

## **ATTACHMENT - REMARKS**

Claims 28-34 and 49-62 are pending in the present application. By this Amendment, Applicant has amended claims 28-34 and 49-61, and added new claim 62. Applicant respectfully submits that the present application is in condition for allowance based on the discussion which follows.

As an initial point, Applicant gratefully appreciates the Examiner conducting a personal interview with his representative, Mr. Stephen Weyer, on December 18, 2008. In accordance with that interview, Applicant has amended the claims as mentioned above and presents the following remarks.

Claims 28-31 were rejected in the final Office Action under 35 U.S.C. § 112, second paragraph, alleging that claim 28 is directed to an apparatus and recited method steps. By this Amendment, Applicant has amended claim 28 to be more consistent with conventional U.S. apparatus claim forms directed to computer devices. As amended, claim 28 now recites an apparatus comprising a computer memory and a processor for executing recited instructions. Applicant respectfully submits that claim 28, as amended, is in full compliance with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicant respectfully requests that the rejection to claims 28-31 and 49-55 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 28, 29, 32, 33, 50, 53-55, 57, 58 and 61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tengel et al. (U.S. Patent No. 5,940,812) (hereinafter "Tengel"). Further, claims 30, 31, 34, 49, 51, 52, 56, 59 and 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tengel, further in view of

Lent et al. (U.S. Patent No. 6,405,181) (hereinafter "Lent") or Hartman et al. (U.S. Patent No. 5,960,411) (hereinafter "Hartman").

By this Amendment, in accordance with the Examiner Interview, Applicant has amended claims 28 and 32 to now more clearly recite what Applicant believes to be the invention and to more clearly highlight aspects of the present invention which are novel and non-obvious, and to thus distinguish the present method and apparatus from the prior art.

Novelty, in part, of the present apparatus and method include the functionality of combining application criteria from at least two applications, which criteria is then presented to an applicant in the form of decision criteria. For example, referring to amended claim 28, the present apparatus includes a processor which collects at least two sets of decision criteria from at least two application recipients, in which each application comprises one or more decision criteria and each decision criterion has a respective value, boundary or range. The processor determines respective unions of the values, boundaries or ranges of respective same decision criteria presented in the at least two sets of decision criteria by analyzing the data value, boundary or range requirements of each same decision criteria in the at least two sets of decision criteria. A superset of the decision criteria which comprises at least one decision criteria from the at least two sets of decision criteria with a determined respective union of values, boundaries or ranges are generated. The applicant then is presented with an application which is generated from the two or more of the plurality of application recipients, in which the application information is in the form of queries associated with

the superset of decision criteria from the two or more of the plurality of application recipients.

Referring now to the specification, in order to provide a better understanding of the claimed method, but in no way to limit the scope of the claimed invention in any way, the present invention can be used as follows. The present method can be used to review two or more applications (e.g., from two different lenders) in which the same decision criteria (e.g., income) is made in each respective set of criteria (e.g., from the two lenders). Accordingly, at step (b) of claim 28, the processor will determine a value or range associated with each decision criteria (i.e. income, say, e.g., of \$100,000-\$200,000 (lender 1) and income of greater than \$50,000 (lender 2)) and then create a superset of criteria which is the union of the two criteria value/ranges (e.g., income from \$50,000-\$200,000) (see, e.g., present specification, pages 2 and 3-28, describing how a superset of criteria can be created in accordance with the present invention).

Further, the superset can include all criteria from all application recipients (see, e.g., present specification, pages 23-25) and questions or queries can be generated and presented to an applicant in a logical/appropriate order (see, e.g., present specification, pages 25-27).

Applicant respectfully submits that the present invention, as now claimed, is not obvious from Tengel, individually or in combination with Lent or Hartman. Tengel fails to teach or in any way make obvious determining respective unions of values, boundaries or ranges of respective same decision criteria presented in at least two sets of decision criteria by analyzing the data value, boundary or range of boundary requirements of each same decision criteria, as claimed. Further, Tengel fails to teach

or in any way make obvious generating a superset of decision criteria which comprises at least one decision criteria from at least two sets of decision criteria with the determined respective union of values, boundaries or ranges. Tengel merely discloses receiving or accessing a plurality of two or more applications from two or more application recipients and presenting that information, as received, from the recipient to an applicant. Tengel fails to teach or in any way make obvious determining any respective unions of the values, boundaries or ranges of decision criteria from two or more application recipients. To the contrary, Tengel merely presents an applicant with the exact respective information requested from each application recipient and, therefore, Tengel does not determine a union of values boundaries or ranges of same criteria from two or more application recipients, as claimed.

Based on the foregoing, Applicant respectfully submits that the subject matter recited in claims 28 and 32 is novel and non-obvious in view of Tengel, individually or in view of the further cited prior art.

In addition, the claims dependent from claims 28 and 32 present further novel and non-obvious subject matter. For example, with regard to claims 29 and 32, in conjunction with the subject matter of claims 28 and 32, respectively, the sequence and number of queries presented to an applicant are optimized based on an analysis of the decision criteria present in two or more applications. With regard to claims 51 and 59, the present invention adjusts a sequence of questions based on responses of an applicant which, in combination with the subject matter of claims 28 and 32, are further novel and non-obvious in view of the prior art. Further, with regard to claims 53 and 61,

the present invention refrains from requesting certain application information deemed non-critical, which the prior art fails to teach or in any way make obvious.

Based on the foregoing, Applicant respectfully submits that the subject matter of claims 28-34 and 49-61 are novel and non-obvious in view of the prior art and, therefore, respectfully request that the rejection to these claims under 35 U.S.C. § 103(a) be withdrawn.

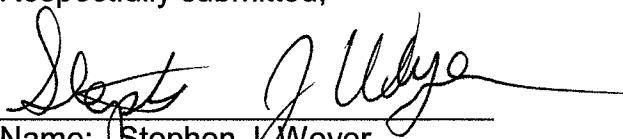
Finally, by this Amendment, Applicant has added new claim 62, which is in the form of a Beauregard claim, which corresponds to the subject matter of the method now recited in claim 32 (currently amended). Accordingly, Applicant respectfully submits that claim 62 is allowable and clear of the prior art for at least the same reasons as discussed above with regard to claim 32.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

Respectfully submitted,

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